IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

CRL.A.No. 546 of 2002()

CC.497/2000 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR

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APPELLANT: COMPLAINANT

KRISHNANKUTTY MENON, S/O. KELU NAIR,
KRISHNAPURAM DESOM, PONKUNNAM, THRISSUR, AS THE
POWER OF ATTORNEY HOLDER OF MOYLAN ELECTODS
(P) LTD., THRISSUR

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENTS: ACCUSED

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1. SREERAGHAV METALS, OPPOSITE
SREEVENKITESWARA KALYANAMANDAPAM, NORTH PARAVUR,
REPRESENTED BY MURENDRANATHA PRABHU

2. MURENDRANATHA PRABHU, SREERAGHAV METALS,
OPPOSITE SREEVENKITESWARA KALYANAMANDAPAM,
NORTH PARAVUR.

3. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.546 of 2002

Dated this the 13th day of September, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(i) of Crl.P.C. as the complainant was absent. It is submitted that the complainant was out of station on that particular date of posting of the case.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 22.10.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl